

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICKY ALLEN STRANG,

Plaintiff,

v.

Case Number: 13-11270
Honorable Victoria A. Roberts

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 17);
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Doc. 16);
AND DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (Doc. 13)**

Plaintiff appeals the Commissioner of Social Security's denial of his application for disability benefits and supplemental security income. Before the Court are the parties' cross-motions for summary judgment. The Court referred those motions to Magistrate Judge Laurie J. Michelson.

On February 20, 2014, Magistrate Judge Michelson filed a Report and Recommendation ("R&R") finding that substantial evidence supports the decision of the Administrative Law Judge ("ALJ"). (Doc. # 17). Magistrate Judge Michelson recommends that the Court GRANT Defendant's motion for summary judgment, DENY Plaintiff's motion for summary judgment, and AFFIRM the decision of the Commissioner of Social Security.

On March 4, 2014, Plaintiff filed objections to the R&R. (Doc. #18). Plaintiff says the Magistrate errors in finding that: (1) the ALJ did not violate her duty to complete the record; (2) substantial evidence supports the ALJ's determination of his residual functional capacity; (3) the ALJ was not required to give Dr. Wagner's statements any

weight; (4) the ALJ did not err in her treatment of the physical therapy evidence; and (5) that the ALJ did not improperly discount his credibility due to lack of funds. Defendant responded to the objections. (Doc. # 19).

When properly objected to, the Court reviews *de novo* a Magistrate Judge's Report and Recommendation on a dispositive motion. 28 U.S.C. § 636(b)(1). Plaintiff filed timely objections that were proper.

After *de novo* review of the motions for summary judgment, the R&R, Plaintiff's objections, and the remainder of the administrative record, the Court agrees with Magistrate Judge Michelson's findings. Magistrate Michelson accurately laid out the facts and relevant parts of the record; she considered the record as a whole, applied proper standards in reviewing the ALJ's decision, and followed the applicable case law and statutory provisions. Magistrate Judge Michelson engaged in a thorough analysis of the issues and gave well-reasoned explanations for her findings; the ALJ's decision is supported by substantial evidence.

The Court **ADOPTS** Magistrate Judge Michelson's Report and Recommendation. Defendant's motion for summary judgment is **GRANTED**; Plaintiff's motion for summary judgment is **DENIED**. The Commissioner's decision is **AFFIRMED**.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 24, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on March 24, 2014.

s/Carol A. Pinegar _____
Deputy Clerk